

MONTGOMERY COUNTY
FIRE AND RESCUE COMMISSION
SPECIAL MEETING
MINUTES
OCTOBER 25, 2001
EXECUTIVE OFFICE BUILDING AUDITORIUM
Rockville, Maryland

COMMISSIONERS PRESENT:

Gordon A. Aoyagi, Chairman
Fernando Bren, Vice-Chairman
Thomas Carr
Robert Freeman
Ronald Ogens
Len Marco
Anita Powell
Paul Sterling

STAFF PRESENT:

Neil Shorb, Staff Director
George Giebel, Program Manager
Annette Cheng, Office Services Coordinator
Richard Melnick, OCA

OTHERS PRESENT:

Chief William Hinde, Rockville VFD
Lisa Hinde, Rockville VFD
Michael J. Moody, Rockville VFD
Chief Joseph Chornock, Germantown VFD
Chief Lawrence Gaddis, Bethesda FD
Eileen Queenin, DFRS
Jeffrey Gross, Hyattstown VFD
Duty Chief Lisa Larson, Germantown VFD
Duty Chief Matt Larson, Germantown VFD
Marcine Goodloe, MCFB
Ronald Watkins, MCVFRA
John Rives, Wheaton Volunteer RS
Chief Harold Springer, Germantown VFD
Chief Michael Dmuchowski, Germantown VFD
Chief Dennis Urban, Bethesda FD

Frederick Welsh, DVFRS
President Eric Bernard, Rockville VFD
President Tom Twigg, Laytonsville VFD
Chief S. Darron Long, Damascus VFD
Chief Roger Strock, DFRS
District Chief David Steckel, DFRS
Kevin Sanzenbacher, MCFRS
Assistant Chief Randy Wheeler, DFRS
Chief David Dwyer, DVFRS
Amy Davis, IAFF Local 1664
Deputy Chief Lowell Jackson, DFRS
Carrie A. Wallick, Germantown VFD
Angelo Keriakos, Germantown VFD
Chief Robert McHenry, GWGVFD

1- CALL TO ORDER

The meeting of the Fire and Rescue Commission was called to order by Chair Aoyagi at 7:15 p.m. in the Lobby Auditorium of the Executive Office Building in Rockville, Maryland.

Chair Aoyagi reported that the purpose of tonight's meeting was to have a work session to discuss the Code of Ethics and Personal Conduct regulation.

2- INTRODUCTION OF THE PLANNING MANAGER

Chair Aoyagi introduced Frederick Welsh as the Planning Manager for the Division of Volunteer Fire and Rescue Services.

ANTHRAX UPDATE

Chair Aoyagi gave an update on the concern of possibility of Anthrax that is being introduced into the mail system. He stated that because the mail sent to Capitol Hill was collected and distributed from the Brentwood mail facility and because Shady Grove postal facility receives mail from the Brentwood facility, there were concerns that the Shady Grove facility and its employees may potentially be at risk for the inhalation of Anthrax, the State of Maryland has asked that the County Health Officers initiate action to provide prophylactic antibiotic treatment to the employees at such facilities.

In addition, the County has established an Anthrax information hot line operated principally by the fire and rescue service, in cooperation with the public health department.

REVISION TO THE CODE OF ETHICS AND PERSONAL CONDUCT REGULATION

Chair Aoyagi briefed the Commissioners on the revised Code of Ethics and Personal Conduct regulation. The three proposed changes to the regulation in tonight's agenda packet consist of: definition of on-duty personnel, third party reporting, and investigative interviews.

Vice-Chair Bren proposed his substitute version of the regulation dated October 25, 2001.

A MOTION was made by Commissioner Bren to adopt his proposed changes to the regulation dated October 25, 2001 presented in total at tonight's meeting. MOTION SECONDED by Commissioner Powell.

Mr. Shorb reported on the chronology of actions taken by the FRC as follows:

- January 11, 2001: The FRC adopted unanimously the amended proposed draft regulation of the Code of Ethics and Personal Conduct
- April 12, 2001: The FRC amended 2 definitions and recommended the distribution of the proposed revised draft to the field
- June 14, 2001:
- August 12, 2001: although there was a discussion, no action was taken on the Code of Ethics regulation. The FRC deferred the item until a work session is scheduled to discuss the regulation.

A MOTION was made by Commissioner Bren to substitute his proposed policy dated October 25, 2001 and amend in total the previously adopted policy by the FRC on January 11, 2001. MOTION SECONDED by Commissioner Sterling.

Chair Aoyagi suggested that members of the Commission execute a straw vote on the sections where new changes were proposed by Commissioner Bren to his substitute version dated October 25, 2001.

The proposed changes to Commissioner Bren's substitute version of the Code of Ethics and Personal Conduct regulation dated October 25, 2001 are as follows:

- Sec. 1. Purpose: strike *[or]*, or *Local Fire and Rescue Department (LFRD)*; insert after County *to the extent permitted by federal, State, County laws, regulations, procedures and policies,*

LFRD or DFRS may adopt policies which may be applied to their own organization that are more stringent than this policy. 7 voted for the suggested language, 0 against.

- Sec.2.c. Information Security: remove 2.c. 6 for, 1 against.
- Sec.4.d. Confidentiality: replace 2nd sentence with All MCFRS Personnel and administrative personnel shall be provided with the same rights of confidentiality in all disciplinary and other personnel actions in accordance with the State Government Act 10-6-16(i) consistent with the Maryland Public Information Act. A custodian shall deny inspection of a personnel record of an individual, including an application, performance rating, or scholastic achievement information. However, a custodian shall permit inspection by the person in interest, or an elected or appointed official who supervises the work of the individual. 7 supported the new language, 0 against.
- Sec.3.a. Discrimination: delete *[or], or Montgomery County Fire and Rescue Service affiliation;* add additional language to Background - add *irrespective of their MCFRS affiliation between with each other and with the community.* 7 for, 0 against.
- Sec.3.j. On-Duty Personnel: adopt the Fire Administrator's proposed language as follows: *For the purpose of this regulation only, MCFRS personnel are "on-duty personnel" when they are involved with the assigned service, business activity, or work of MCFRS: working during scheduled hours; acting in an official capacity; providing direct emergency care or services to the public; and/or representing MCFRS in the performance of official duties. In addition to the provisions in this regulation, in accordance with sec. 21-19 of the County Code, and consistent with the Commission's authority under Code Sec.21-2(d)(3), MCFRS personnel who are present at, on, or in MCFRS premises, apparatus and vehicles, or are actively participating at a fire, rescue, or emergency medical incident, are subject to the same standards and code of conduct as those applicable to "on-duty personnel", as defined above.* 5 voted for the proposed language; 2 against

Commissioner Sterling suggested that the FRC hear from the floor. The majority of the Commissioners voted to do so by a vote of 4-3.

Ms. Goodloe, Delegate of the MCFB of the HRST Committee reported that the Fire Board raised concerns about the issue of "on-duty personnel" and believed that Commissioner Bren's suggested language was appropriate.

Amy Davis of the IAFF, Local 1664 reported that the union supported the Fire Administrator's proposed language.

- Sec.3.i: eliminate *definition of Officially-Sanctioned MCFRS Uniform or Gear.* 6 voted for the removal, 1 voted against
- Sec.3.k. Personnel: delete *appointed and merit system[s]* and *all before volunteers* from the first sentence. 6 voted for the deletion, 1 abstained.
- Sec.3.p. Private Banquet Facility: *A limited area within LFRD premises may be designated in writing and in advance in the permanent official LFRD record with a contemporaneous notice to the Fire Administrator by the LFRD President or Department Head as a private banquet facility, on a temporary basis, for the purpose of conducting functions officially authorized by the LFRD. This designated area, which must not be utilized as an operational area at the same time, may be utilized for the consumption of food and beverages, including alcoholic beverages, in conjunction with officially authorized receptions. Alcoholic beverages may not be removed from the area designated as a private banquet facility and may not be consumed anywhere else on LFRD premises.* 6 supported the proposed language, 1 voted against.

- Sec.4.c.4.A: delete entire paragraph, and renumber rest of the section. 7 voted for, 0 against
- Sec.4.c.5.B: delete *or the individual's medically-certified health care provider*. 7 voted for, 0 against.
- Sec.4.c.8: add after offensive behavior the following language: *then the On-Duty personnel must contact and notify the On-Duty Command Officer, LFRD Chief, or LFRD President, who shall take appropriate action*. 7 supported the proposed language, 0 against.
- Sec.5.a. Applicable Provisions: delete *or of any LFRD by-law, regulation, policy, procedure, or other standard*. 4 voted for the deletion, 2 voted against, and 1 abstained.
- Sec.5.b.1.A & B: delete *reports*, add *documents in writing* a violation. 3 voted for the proposed change, 4 voted against.
- Sec.5.b.2.A & B: delete *reports*, add *documents in writing* a violation. 3 voted for the proposed change, 4 voted against.
- Sec.5.d.2: add *representative* before ad hoc committee. 5 voted for the suggested change, 2 voted against.
- Sec.5.d.3- 2nd sentence: substitute *in addition* insert with *(a) Except for investigations identified in sub section b, in the case of accused career personnel, the Fire Administrator will provide confidential notification to the DDFRS Chief, and in the case of accused LFRD personnel and LFRD administrative personnel, the Fire Administrator will provide confidential notification to the LFRD designated department head. The DFRS Chief and the LFRD designated department head, respectively, shall hold much information as confidential and shall not divulge such information to any other party. (b) The accused MCFRS personnel will be informed of the initiation of an investigation, except for accusations of criminal conduct, sexual harassment, Title VII violations, or other conduct covered by other law, regulations, or policies. Delete rest of paragraph*. 7 voted for, 0 against.
- Sec.6.a & b: add *Chief* after *LFRD*, add *or the Fire Administrator* after *DFRS Chief*. 7 voted for, 0 against.
- Sec.7. Evaluation: substitute *on an annual basis* with *periodically*; change *through* to *which may include*; delete *an annual*; change *Town meeting* to *Town meetings*.

A MOTION was made by Commissioner Sterling to adopt Resolution FY02-xx, replace the other one and adopt the Code of Ethics and Personal Conduct regulation as amended by the FRC tonight. MOTION SECONDED by Commissioner Marco and PASSED unanimously

A MOTION was made by Commissioner Carr to adjourn the meeting. MOTION SECONDED by Commissioner Bren and PASSED unanimously.

The meeting was adjourned at 12:10 a.m.

Respectfully Submitted,

FRC Special Meeting
October 25, 2001

Gordon A. Aoyagi
Chairman